

Message Text

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ACTION DLOS-07

INFO OCT-01 ARA-16 EUR-25 EA-11 IO-14 ISO-00 AF-10 NEA-10

CG-00 CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03 NSAE-00

NSC-07 PA-04 RSC-01 PRS-01 SP-03 SS-20 USIA-15 CEQ-02

COA-02 COME-00 EB-11 EPA-04 NSF-04 SCI-06 FEA-02

ACDA-19 AEC-11 AGR-20 DOTE-00 FMC-04 INT-08 JUSE-00

OMB-01 OIC-04 TRSE-00 STR-08 CIEP-02 SWF-02 SAJ-01

NIC-01 SAM-01 DRC-01 /282 W
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R 032251Z MAY 74

FM AMEMBASSY QUITO

TO SECSTATE WASHDC 0941

INFO AMEMBASSY BOGOTA

AMEMBASSY BRASILIA

AMEMBASSY BUENOS AIRES

AMEMBASSY CARACAS

AMEMBASSY LIMA

AMEMBASSY LONDON

AMEMBASSY MEXICO

AMEMBASSY MOSCOW

AMEMBASSY PARIS

AMEMBASSY SANTIAGO

AMEMBASSY TOKYO

USMISSION USUN NEW YORK

C O N F I D E N T I A L SECTION 1 OF 3 QUITO 2971

FROM LOS TEAM

E.O. 11652: GDS

TAGS: PBOR, XM, AR

SUBJECT: LOS CONSULTATIONS WITH ARGENTINA

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1. US TEAM MET WITH ARGENTINE LOS EXPERTS TWO SESSIONS

29 APRIL. ARGENTINES WELL PREPARED ON ALL ISSUES.

ARGENTINE DELEGATION CONSISTED OF:

DR. HUGO CAMINOS: LOS ADVISOR TO ARGENTINE GOVERNMENT.
DR. HERMAN MASSINI-EZCURRA: LEGAL OFFICER, FOREIGN MINISTRY.
DR. LISTRE: LEGAL OFFICER, FOREIGN MINISTRY
ORLANDO REBAGLIATI: LEGAL OFFICER, FOREIGN MINISTRY
HORACIO ADOLFO BASABE: LEGAL OFFICER, FOREIGN MINISTRY
RADM ADRIANO JUAN ROCCATAGLIATA: HEAD OF POLICY AND STRATEGY
DIVISION, ARGENTINE NAVY (ATTENDED LUNCHEON ONLY).
CAPTAIN AUSTIN: POLICY PLANNING SECTION, ARGENTINE NAVY

2. DISCUSSIONS PROCEEDED IN BUSINESSLIKE FASHION.
CAMINOS ALLOWED MASSINI-EZCURRA TO TAKE LEAD ON MOST ISSUES,
INTERJECTING ON POINTS OF PARTICULAR INTEREST TO HIM.

A. TERRITORIAL SEA: GOA CLEAR ON POSITION THEY WILL ACCEPT
12 MILE TERRITORIAL SEA BUT ONLY IN RETURN FOR 200 MILE
RESOURCE ZONE AND JURISDICTION OVER THEIR SHELF BEYOND 200
MILES. THEY INDICATED INTEREST IN NOTIFICATION OF INNOCENT
PASSAGE OF WARSHIPS AND NUCLEAR SHIPS IN TERRITORIAL SEA
(NOT STRAITS), AND REFERRED TO DOMESTIC LEGISLATION. WHEN US TEAM
PROCEEDED TO DISCUSS SUBSTANCE OF PROBLEMS THIS CREATED,
THEY CHANGED THE SUBJECT.

B. COASTAL SEABEDS: GOA SAID 200 MILE ZONE WITHOUT
JURISDICTION OVER MARGIN BEYOND WOULD NOT "SATISFY" THEM.
THEY ALSO INDICATED THAT THEY WERE HOPEFUL ON THIS ISSUE, AND
THAT SOVIETS HAD SAID THEY HAD NO OBJECTION TO MARGIN JURISDICTION
BEYOND 200 MILES DURING RECENT LOS VISIT THERE (SEE SEPTTEL.) IN
ADDITION, GOA CLAIMED THAT IN NAIROBI MEETING TANZANIA, AND
KENYA (WHO APPARENTLY BELIEVE THEY HAVE A 300 MILE MARGIN),
SENEGAL, NIGERIA, MAURITIUS, BANGLADESH, INDIA, PAKISTAN
(WHO BELIEVES IT HAS OIL BEYOND 200) AND CUBA GAVE THEM
SUPPORT ON THIS ISSUE BUT ARE NOT PUBLICLY STATING THIS BECAUSE
OF "POLITICS." GOA OF OPINION THAT ENERGY CRISIS HELPED THEIR
MARGIN POSITION, AND ARE HOPING US HAS DECIDED TO GO FOR MARGIN
BEYOND 200. THEY HAVE NOT COME UP WITH PRECISE SHELF DEFINITION,
BUT STATED 2500 METERS WOULD SATISFY THEM. THEIR MAIN CONCERN
IS WITH ACCEPTANCE OF PRINCIPLE WHICH WOULD GIVE THEM THE SLOPE
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AND SAID AFTER THAT, THE PROBLEM OF DEFINITION IS EASY. THEY
ARE MORE INTERESTED IN SLOPE THAN IN RISE WHICH THEY BELIEVE
HAS LITTLE PETROLEUM PROMISE. ON QUESTION OF REVENUE SHARING,
GOA OPENLY HOSTILE TO IDEA "AT THIS TIME," BUT INDICATED IT
MAY BE ULTIMATE SOLUTION TO LANDLOCKED STATE PROBLEM. THEY FURTHER
INDICATED THAT AFRICANS INCREASINGLY IN FAVOR OF REVENUE
SHARING AS SEVERAL HAD TOLD GOA THEY WOULD SUPPORT BROAD SHELF
JURISDICTION IF THERE WERE SATISFACTORY ARRANGEMENTS IN THIS

REGARD. THEY FELT INTEGRITY OF INVESTMENT PROVISION WOULD RAISE
(INTERNAL) POLITICAL PROBLEMS AND "IS A QUESTION OF
SOVEREIGNTY." THEY SAID CANADA IS BACKING AWAY FROM
REVENUE SHARING.

C. FISHERIES: AS A FUNCTIONAL MATTER GOA WOULD PREFER
US APPROACH TO COASTAL STOCKS BUT AS POLITICAL MATTER THEY
SUPPORT 200 MILE ZONE, AND INDICATED SUPPORT FOR CANADIAN
PROPOSAL FOR PREFERENTIAL FISHING BEYOND 200 MILES. THEY SAID THEY
HAVE DROPPED THEIR 200 MILE AND "EPICONTINENTAL SEA," IDEA
AS IT DOES N
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C O N F I D E N T I A L SECTION 2 OF 3 QUITO 2971

D. STRAITS: GOA SUPPORTS REGIME OF AS FREE NAVIGATION AS

POSSIBLE, BUT WENT QUICKLY TO PROBLEM OF MAGELLAN. THEY WANT FREE TRANSIT NOT ONLY THROUGH MAIN STRAIT, BUT THROUGH OTHER CHANNELS AS WELL, STATING THAT THIS WAS THE SHORTEST WAY TO THE PACIFIC FROM ARGENTINE PORT OF USUIAH. THUS (UNLIKE CHILE) THEY WANT CLEAR TRANSIT RIGHT IN STRAITS CONNECTING HIGH SEAS WITH TERR-
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ITORIAL SEA. THEY INDICATED SUPPORT FOR FREE TRANSIT OF SURFACE SHIPS AND OVERFLIGHT, BUT HELD BACK ON SUBMERGED TRANSIT. GOA UNHAPPY ABOUT ITALIAN PROPOSAL AND GENERALLY IN OPPOSITION TO ANY PROPOSAL WHICH BY DEFINITION HINDERS THEIR ACCESS IN SOUTH. THEY ASKED FOR REASSURANCE US WOULD NOT EXCLUDE CERTAIN STRAITS FROM OUR PROPOSAL. THIS NECESSITATED SOME GENERAL DISCUSSION OF EXCEPTION PROBLEMS AND DISTINCTIONS BETWEEN FREE TRANSIT AND NON-SUSPENDABLE INNOCENT PASSAGE. WE COULD NOT GET TOO SPECIFIC WITHOUT GETTING INTO SENSITIVE SITUATION, BUT OUR ASSESSMENT IS THAT GOA WOULD BE SATISFIED WITH NON-SUSPENDABLE INNOCENT PASSAGE REGARDING DIRECT ACCESS FROM USUIAH TO THE PACIFIC. THEY ARE ADAMENTLY OPPOSED TO SOVIET "MAJOR STRAITS" IDEA, AND FEAR ALL OTHER STRAITS WILL BE DROPPED COMPLETELY FROM A NON-SUSPENDABLE PASSAGE REGIME.

E. ARCHIPELAGOS: GOA MAIN CONCERN OVER ISSUE IS ITS POSSIBLE IMPACT ON NAVIGATION. IN THIS REGARD, THEY ARE STUDYING PRINCIPLE AND ITS POSSIBLE IMPACT ON CHILEAN ISLANDS IN SOUTH. MALVINAS (FALKLANDS) ISLANDS NOT MENTIONED IN THIS DISCUSSION.

F. POLLUTION: GOA HAS ALTERED POSITION AND INDICATED SUPPORT FOR OUR APPROACH TO POLLUTION PROBLEM. THEY ARE IN PROCESS OF RATIFYING 1954 IMCO POLLUTION CONVENTION AND SUBSEQUENT AMENDMENTS AND ARE STUDYING IMCO 1973. THEY EXPRESSED CONCERN ABOUT PROPOSALS WHICH ALLOWED THE COASTAL STATE TO SET CONSTRUCTION STANDARDS OR DICTATE MANNING. THEY DO DESIRE ENFORCEMENT AND PROSECUTION RIGHTS FOR INTERNATIONALLY AGREED STANDARDS IN THE ECONOMIC ZONE. THEY WERE NEGATIVE ON IDEA OF RIGHTS THAT DID NOT EXTEND AS FAR AS 200 MILES. GOA STATED THEY SEE THEMSELVES AS A FUTURE MARITIME NATION, AND THIS CONSIDERATION PROMPTED SHIFT FROM CANADIAN POSITION TO OUR OWN.

G. MARINE SCIENCE: GOA CHARACTERIZED THEIR DOMESTIC LEGISLATION AS "HARD LINE" BECAUSE OF CONSENT REQUIREMENT. THEY AGREED THAT ACCEPTANCE OF OUR ARTICLES WOULD IN EFFECT BE AN ENACTMENT OF THEIR OWN DOMESTIC LEGISLATION WITH EXCEPTION OF CONSENT REQUIREMENT, AND SEEMED INTRIGUED BY THIS CONCEPT. CAMINOS STATED ISSUE IS "VERY IRRITATING" TO LATINS AND WILL BE DIFFICULT TO NEGOTIATE. GOA INDICATED SOME PIQUE WITH SOVIET POSITION ON MARINE SCIENCE AND SAID SOVIETS "WEREN'T TRYING TO SOLVE PROBLEM."

H. COMPULSORY DISPUTE SETTLEMENT: GOA INDICATED GENERAL SYMPATHY WITH CDS PRINCIPLE AND STATED THEY HAVE RECENTLY RATIFIED VIENNA LAW OF TREATIES CONVENTION AND CONCLUDED AGREEMENTS WITH BOTH CHILE AND URUGUAY WHICH HAVE CDS PROVISION. OF
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INTEREST WAS STATEMENT THAT COLOMBIA IS CONTEMPLATING DRAFT ARTICLES CALLING FOR MANDATORY SUBMISSION OF DISPUTES TO ICJ. THEY FELT THIS WAS INTERESTING CONCEPT, BUT ARE WAITING FOR RESULT OF UK/ICELAND DISPUTE BEFORE DECIDING ON ISSUE.

I. DEEP SEABEDS: THRUST OF GOA MESSAGE ON DEEP SEABEDS WAS TO CONFIRM OUR ANALYSIS THAT LA OPPOSITION TO US IS RELATED TO 200 MILE QUESTION. THEY STATED FLATLY THAT IF WE WOULD RECOGNIZE THE 200 MILE CONCEPT, THE LATIN GROUP (INCLUDING AN OBLIQUE REFERENCE TO PERU) WILL BACK OFF ON THE ISSUE. ADDITIONALLY, GOA INDICATED THEIR SUPPORT OF AFRICANS IN DEEP SEABEDS ISSUE WAS NOT REALLY PREFERRED POSITION, AND INDICATED THEY WOULD SHIFT IF THEY WERE SATISFIED WITH RESOURCE ZONE.

J. PROVISIONAL APPLICATION: GOA AT PRESENT WOULD HAVE SOME CONSTITUTIONAL PROBLEMS IN IMPLEMENTING THIS PROPOSAL, BUT SAID IF LAW OF TREATIES CONVENTION IS RATIFIED THEY WOULD HAVE NO DIFFICULTY. IN GENERAL THEY SUPPORT
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R 032251Z MAY 74
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C O N F I D E N T I A L SECTION 3 OF 3 QUITO 2971

3. GOA TEAM EXTREMELY PROFESSIONAL GROUP, AND IN COURSE OF TECHNICAL DISCUSSION OF LOS ISSUES AND INFORMAL LUNCHEON DELIVERED SEVERAL MESSAGES IN ADDITION TO THOSE DISCUSSED ABOVE:

A. RELATION WITH BRAZIL: GOA OBVIOUSLY CONCERNED OVER BRAZILIAN MOTIVES IN LOS NEGOTIATIONS AND FEELS THAT MANY OF THEIR POSITIONS ARE BASED ON RELATIONS WITH ARGENTINA RATHER THAN
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REAL LOS INTEREST. AT SAME TIME, THEY ARE CONCERNED LEST THERE BE AN LOS TREATY WHICH BRAZIL DOES NOT SIGN. THEY HINTED THAT THIS WOULD CAUSE THEM PROBLEMS, THAT THEY ARE LOOKING FOR A SOLUTION TO THE PROBLEM. ADM ROCCATAGLIATA DURING INFORMAL CONVERSATION SAID THERE WAS SIGNIFICANT CORRIDOR DISCUSSION OF LOS AT RECENT MEETING OF HEMISPHERIC NAVAL CHIEFS-OF-STAFF IN MAR DEL PLATA, DESPITE VENEZUELAN MOVE TO KEEP LOS OFF AGENDA. HE FELT IT WAS POSSIBLE TO FORMULATE HEMISPHERE-WIDE LOS POSITION BASED ON FREEDOM OF NAVIGATION AND 200 MILE ECONOMIC ZONE, AND THAT IN LIGHT "RECENT DEVELOPMENTS" THIS IS NOW "MORE IMPORTANT THAN ATLANTA." HE STRONGLY URGED US TO MOVE BEFORE CARACAS, AND SAID THAT IF USG UNDERESTIMATES IMPORTANCE OF US POSITION ON 200 MILES, IT DOES NOT UNDERSTAND LATIN AMERICA. HE ADDED THAT BRAZILIAN NAVAL CHIEF TOLD HIM A CHANGE COULD BE EXPECTED IN BRAZILIAN LOS POSITION, AND WAS CAUTIOUSLY OPTIMISTIC IN THIS REGARD. THE BRAZILIANS KNOW OF LOS TEAM VISIT TO ARGENTINA, AND THERE SEEMS TO BE POSSIBILITY OF ARGENTINE-BRAZILIAN DISCUSSIONS ON BASIS OF VISIT.

B. SOVIET INITIATIVE: ARGENTINES, ALTHOUGH OBVIOUSLY VERY CONCERNED OVER EFFECT OF SOVIET INITIATIVE POLITICALLY IN LATIN AMERICAN AS WELL AS DOMESTICALLY, SEEM A LITTLE CAUTIOUS IN THEIR APPROACH TO IT. THEY MAY PERCEIVE (AND PERHAPS WITH SOME JUSTIFICATION) THAT SOVIETS PLAN TO SHIFT THEIR FISHING OPERATIONS TO THE RICH AND UNDEREXPLOITED ARGENTINE SHELF. THEY DID ON SEVERAL OCCASIONS URGE THAT THE US TAKE ACTION TO OFFSET THE POLITICAL IMPACT OF THE SOVIET MOVE IN LATIN AMERICA, BUT WERE LESS DIRECT THAN ZEGERS.

C. LEADERSHIP ROLE OF COLOMBIA, VENEZUELA AND MEXICO: GOA SEEMED DISENCHANTED WITH EFFORTS OF THESE THREE, AND HINTED SEVERAL TIMES THAT US SHOULD TAKE MORE ACTIVE ROLE IN SOLVING PROBLEMS IN THE CARIBBEAN. THEY INDICATED THAT JAMAICA AND OTHER ISLAND STATES ARE BECOMING INCREASINGLY ADAMANT IN THEIR DEMANDS FOR RESOURCE ZONE ACCESS, AND FELT "THEY WEREN'T RECEIVING PROPER TREATMENT" FROM THREE.

4. COMMENT: GOA WAS ANXIOUS TO CONSULT WITH US AND TALKS WERE DETAILED AN PRODUCTIVE. GOA IS VERY CONCERNED ABOUT BRAZILIAN

200 MILE TERRITORIAL SEA AND ACTIVELY SEEKING ANOTHER SOLUTION.
THEIR FOREIGN MINISTRY APPARENTLY HAS VIRTUAL LOCK ON THE LOS
NEGOTIATIONS, WITH NAVY PARTICIPATION, AND EVERY MEMBER OF THEIR
LOS TEAM RECENTLY RECEIVED PROMOTION FOR THEIR GOOD WORK.

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EMBASSY REPORTED THAT THEIR ATTEMPTS TO ENGAGE OTHER ELEMENTS OF
GOVERNMENT IN LOS DISCUSSIONS THWARTED BY FOREIGN MINISTRY. OF
INTEREST WAS FACT THAT BOTH AT LUNCH AND DURING DISCUSSIONS GOA
AVOIDED THE SUBJECT OF RECENT GLOMAR CHALLENGER INCIDENT AND
INSTEAD STRESSED SUCCESSFUL COOPERATIVE SCIENTIFIC EFFORTS.
GOA CONCERNED ABOUT RESEARCH ISSUE, HOWEVER, AND ALTHOUGH THEY
HAVE BEEN ONE OF MOST STRIDENT OPPONENTS OF FREE RESEARCH IN
PAST, SEEMED TO BE RECEPTIVE TO IDEA OF ACCOMMODATION. THEY
STRESSED THEY WERE PROMPT IN GRANTING CONSENT FOR RESEARCH.
TEAM PLANTES SEED FOR FURTHER GOA ACTION BY SUGGESTING THAT
GOA DRAW-UP PROPOSAL WITH REQUIREMENTS BASED ON ITS LAW AS AN
ALTERNATIVE TO CONSENT REGIME.

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